



98

*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

January 30, 2018

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Chairman Pai,

This is my fifth letter to you regarding the transmission of RT (Russia Today) by American broadcasters. I have not received responses to my last two letters, and I'm concerned that your responses to my previous letters have not been helpful. I continue to believe there is still an opportunity to take proactive steps at the FCC to safeguard our democratic systems from subversion by hostile foreign entities, and I urge you to do so.

The FCC requires all broadcaster licensees and cable operators to make their station public inspection file available to the public. It also requires television stations to place most of the content of their public files online, including political filing requirements containing the time, date, and price paid for political campaign advertisements. This is a critical component of ensuring transparency for consumers of broadcast media, and I commend the Commission for its recent vote to modernize this system for the 21st century. It is important that we keep our systems up-to-date, such as eliminating paper contract filings. Just as important as digitizing is ensuring the FCC meets *all* modern needs for media monitoring.

As you are aware, Russian efforts to utilize U.S. media outlets, including broadcast airwaves, to undermine American society and our democratic functions has been widely acknowledged by U.S. authorities, including the U.S. Intelligence Community, which has called RT, the Russian state news agency, "the Kremlin's principal international propaganda outlet"; the Department of Justice, which required RT to register as a foreign agent under the Foreign Agents Registration Act (FARA); and the Congressional Radio & Television Correspondents' Galleries, which revoked RT's news credentials in Congress on November 29, 2017. The transmission of Russian government content over our airwaves is part of a clear and concerted effort to manipulate the American people and I believe this deserves an American response.

I've given a great deal of thought to this situation and I propose the following: the FCC should require any foreign agents registered under FARA who seek time on American airwaves – radio, broadcast, and cable – to file publicly with the FCC under the same requirements used for political files by candidates and issue advertisers, and concurrently send a notice to the Department of

Justice and the State Department. The filings should include: a description of when advertising actually aired, advertising preempted, and the timing of any make-goods of preempted time, as well as credits or rebates provided the advertiser. It is a commonsense solution that makes use of systems already in place and is narrowly tailored to the specific threats posed by foreign agents without unduly burdening broadcasters or cable providers.

We are once again in a critical election year and I remain deeply troubled that we have yet to address widely acknowledged efforts to manipulate the last election or take steps to ensure our next elections are protected. Our society is more fractured than it has been in decades, and the U.S. Intelligence Community has confirmed that the content we've seen from RT is designed to exacerbate those divisions. Just this week, CIA Director Mike Pompeo said that he has "every expectation" that Russia will try to interfere in the 2018 midterm elections¹.

The American people and our oversight institutions need to know where the content of what they see and hear is coming from, enabling our citizenry to be empowered to think critically and prevent any further damage to the fabric of our democracy. I'm committed to finding solutions to what I believe is a serious issue as soon as possible and I hope you and your agency will work with me in this worthy cause to protect the integrity of our public airwaves. Our democracy deserves no less.

I look forward to your timely response.

Sincerely,

Anna G. Eshoo
Member of Congress

CC:

Commissioner Mignon Clyburn
Commissioner Michael O'Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel

¹ Cristiano Lima, "Pompeo: 'I have every expectation' Russia will meddle in 2018 midterms," Politico, Jan. 30, 2018.



1140

*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eskoo
Eighteenth District
California*

December 26, 2017

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

This is the fourth time I am writing to you this year asking that you take seriously the reports that Russian outlets have been and continue to broadcast propaganda over American airwaves. It has been over a month since I last wrote to you about this matter.

In your second response to me dated October 23, 2017, you said that the FCC would launch an inquiry if you were provided with credible allegations of violations of the statute. Here is what we know. We know that RT is a now-registered federal agent of the Russian government. We know that the Russian government has a well-established record¹ of using sophisticated methods to meddle in the affairs of other countries² and undermines the integrity of democracies world-wide. And we know that Russian media at large was distributing incendiary advertising and videos as part of misinformation campaign directed at the parties in the 2016 election.³

We know that our intelligence community issued a report (Jan. 7, 2017) stating it believes with "highest confidence" that Russia did in fact deliberately and systematically infiltrate our

¹ "Examining Russian Disinformation," NPR (Nov. 19, 2017)

<https://www.npr.org/2017/11/19/565153437/examining-russian-disinformation>.

² See, e.g., "The impact of Russian interference on Germany's 2017 election," Brookings Institution (June 28, 2017)

<https://www.brookings.edu/testimonies/the-impact-of-russian-interference-on-germanys-2017-elections/> ;

"Here's the first evidence Russia used Twitter to influence Brexit," Wired (Nov. 10, 2017)

<http://www.wired.co.uk/article/brexit-russia-influence-twitter-bots-internet-research-agency>; Spain sees Russian interference in Catalonia separatist vote," Reuters (Nov. 13, 2017) <https://www.reuters.com/article/us-spain-politics-catalonia-russia/spain-sees-russian-interference-in-catalonia-separatist-vote-idUSKBN1DD20Y> ;

"NSA confirms it: Russia hacked French election 'infrastructure,'" Wired (May 9, 2017) <https://www.wired.com/2017/05/nsa-director-confirms-russia-hacked-french-election-infrastructure/>.

³ See "Kremlin trolls burned across the Internet as Washington debated options," Washington Post (Dec. 25, 2017) https://www.washingtonpost.com/world/national-security/kremlin-trolls-burned-across-the-internet-as-washington-debated-options/2017/12/23/e7b9dc92-e403-11e7-ab50-621fe0588340_story.html?tid=pm_world_pop; see also "House Intelligence Committee Releases Incendiary Social Media Ads," New York Times (Nov. 1, 2017) <https://www.nytimes.com/2017/11/01/us/politics/russia-technology-facebook.html>.

communications networks to drive wedges into existing social and political divisions, and manipulate our election⁴; that the Department of Justice believed that intelligence to that end was credible enough to request RT to register as a foreign agent which Russia resisted for months from the highest levels until it finally acquiesced in November⁵; and that RT was leasing time over American broadcast airwaves in the months leading up to, during, and after the election.⁶

The Federal Communications Commission is responsible for protecting those very airwaves, has a duty to ensure that they are used to serve the public trust, and the broadcasters who lease them must act in accordance with the Commission's rules.⁷ I have thrice requested that you investigate whether that public trust has been violated by a foreign adversary through those broadcasters⁸; and so far you have declined to do so⁹.

To that end, I believe this remains your duty and that of the FCC to act *immediately* to address these issues, and I request that you respond to the following:

(1) In your July 24, 2017 letter, you noted that under the Commission's sponsorship identification and public file ownership disclosure requirements, *if* RT compensated a broadcast radio or television station for transmitting Russian programming, the sponsorship identification rules would apply and disclosure would be required. Was RT indeed doing so, and were those broadcast stations in compliance at that time? Are they in compliance now? Have you directed agency resources to thoroughly investigate their compliance?

(2) For what percentage of airtime were the broadcasters transmitting broadcasts produced or funded by, or produced or funded by others at the direction of, RT, and were they in compliance with the foreign media ownership rules?

⁴ "Assessing Russian Activities and Intentions in Recent US Elections," Office of the Director of National Intelligence (Jan. 6. 2017) https://www.dni.gov/files/documents/ICA_2017_01.pdf; see also "Declassified report says Putin 'ordered' effort to undermine faith in U.S. election and help Trump, Washington Post (Jan. 6, 2017) https://www.washingtonpost.com/world/national-security/intelligence-chiefs-expected-in-new-york-to-brief-trump-on-russian-hacking/2017/01/06/5f591416-d41a-11e6-9cbo-54ab630851e8_story.html.

⁵ "DOJ told RT to register as a foreign agent partly because of alleged 2016 election interference," Politico (Dec. 20, 2017) <https://www.politico.com/story/2017/12/21/russia-today-justice-department-foreign-agent-election-interference-312211>.

⁶ "Russia's RT: The Network Implicated in US Election Meddling," New York Times (Jan. 7. 2017) https://www.nytimes.com/2017/01/07/world/europe/russias-rt-the-network-implicated-in-us-election-meddling.html?_r=0.

⁷ "The Public Interest Standard in Television Broadcasting," Benton https://www.benton.org/initiatives/obligations/charting_the_digital_broadcasting_future/sec2.

⁸ "Eshoo Leads Effort for Transparency of Russian State-Sponsored Television" (May 8th, 2017) <https://eshoo.house.gov/issues/telecommunications/eshoo-leads-effort-for-transparency-of-russian-state-sponsored-television/>; "Eshoo, Pallone, Doyle to FCC: Russia May be Using our Country's Airwaves to Undermine Democracy," (Sept. 18th, 2017) <https://eshoo.house.gov/issues/telecommunications/eshoo-pallone-doyle-to-fcc-russia-may-be-using-our-countrys-airwaves-to-undermine-democracy/>; "Eshoo Calls for FCC Chairman to Investigate RT & Sputnik" (Nov. 16th 2017) <https://eshoo.house.gov/issues/telecommunications/eshoo-calls-for-fcc-chairman-to-investigate-rt-sputnik/>

⁹ Letter from FCC Chairman Ajit Pai to Congresswoman Anna G. Eshoo, dated October 23rd, 2017.

(3) RT is now registered as a foreign agent pursuant to the Foreign Agents Registration Act. What obligations and oversight authority does the FCC have with regard to broadcasters who are leasing U.S. airwaves to foreign agents that are registered with the Department of Justice under FARA? Are RT and any associated broadcasters in compliance?

(4) The DOJ FARA Unit seeks voluntary compliance with the statute, and the DOJ can bring criminal penalties for violation of the FARA. The FCC can revoke broadcast licenses for criminal activity. If the DOJ were to bring criminal penalties against a foreign entity that was leasing time from an American broadcaster, what measure could the FCC take to prevent continued broadcast of that illegal foreign content if the broadcaster did not immediately remove that content? Will you direct the FCC to open an investigation, and personally to see to its prompt conclusion, in the event of any further DOJ action?

(5) Beyond those obligations, what proactive steps will your agency take to monitor broadcast airwaves to ensure that broadcasters leasing to other foreign stations like RT with ties to foreign principals, registered or not, are complying with the sponsorship identification rules? Will you only act if a complaint is brought? Can the FCC act regardless of whether or not a complaint is brought, and be more proactive when it comes to foreign entities leasing American airwaves?

We are entering an election year. These issues have been before the FCC for months, without any action. To wait any longer to assess and address threats to the integrity of our democratic institutions is unacceptable.

I believe every American cares about the prospect of any foreign manipulation of our elections. It is an affront to our most fundamental principles and institutions. I look forward to your timely and detailed response to my inquiry, and to the FCC taking appropriate action in the near future.

Sincerely,



Anna G. Eshoo
Member of Congress

cc:

Commissioner Brendan Carr
Commissioner Mignon Clyburn
Commissioner Mike O'Rielly
Commissioner Jessica Rosenworcel



978

*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

November 15, 2017

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

I have twice written to you this year asking you to take seriously reports that Russian outlets have been and continue to broadcast propaganda over U.S. airwaves, and to take steps at the Federal Communications Commission (FCC) to address this matter. Your responses thus far have dismissed these concerns and failed to answer my questions satisfactorily. That's why I'm writing to you once again to urge you to (a) launch a long-overdue FCC investigation into the licensees that have facilitated the use of American airwaves to broadcast information by foreign agents without proper disclosure, (b) to apply any necessary enforcement actions to the fullest extent of your authority under the law, and (c) to evaluate whether current FCC rules merit an update to avoid future undermining of our communications systems by foreign agents.

The broadcast airwaves are a public trust that carry special obligations to the public and which the FCC oversees. As I noted in my letters on May 3rd and September 18th, it is imperative that the integrity of these communications systems are preserved. It is therefore incumbent upon your agency to investigate an ongoing matter of clear and widespread concern that those airwaves may have been compromised by foreign state-based actors intent on interfering in our democratic processes, and answer questions including but not limited to the following:

- (1) In your July 24, 2017 letter, you noted that under the Commission's sponsorship identification and public file ownership disclosure requirements, if RT or Sputnik compensated a broadcast radio or television station for transmitting RT or Sputnik programming, the sponsorship identification rules would apply and disclosure would be required. However, you did not note whether or not there was such compensation and if there was proper disclosure of any such identification. Were RT and Sputnik indeed doing so and were the broadcast stations in compliance with those disclosure rules at the time?

- (2) For what percentage of airtime were the broadcasters transmitting broadcasts from RT and Sputnik, respectively?
- (3) If the broadcasters were not in compliance under the FCC's foreign state sponsorship rules, what steps is the Commission taking to address those transgressions, including but not limited to the revocation of broadcast reauthorization of the U.S. stations that you describe in sub (4) of your October 23, 2017 response?
- (4) It is increasingly clear that the ability of RT and Sputnik to broadcast over public airwaves without disclosing the true sponsor of this programming had harmful effects on the public interest. Either the broadcaster licensee was in violation of FCC rules and that violation was overlooked, or there are gaps in the rules that have allowed this foreign intervention to occur. In either case, it seems the Commission's foreign ownership rules may deserve a reevaluation. Will the Commission commit to doing so?
- (5) What obligations and oversight authority does the FCC have with regard to oversight of broadcasters who are leasing U.S. airwaves to foreign agents that are registered with, or should have registered with, the Department of Justice under the Foreign Agents Registration Act?

American consumers have a right to know where their information is coming from, and whether the public interest is being compromised over the airwaves designated to serve them. It is the responsibility of the Commission to protect the public interest first, and I hope you will exercise your diligence by looking into these matters to prevent further subversion from taking place.

Sincerely,



Anna C. Eshoo
Member of Congress

cc: The Honorable Mignon Clyburn, Commissioner, Federal Communications Commission
The Honorable Michael O'Rielly, Commissioner, Federal Communications Commission
The Honorable Brendan Carr, Commissioner, Federal Communications Commission
The Honorable Jessica Rosenworcel, Commissioner, Federal Communications Commission